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FILED

September 22, 2004

**NEW JERSEY STATE BOARD
 OF MEDICAL EXAMINERS**

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STATE OF NEW JERSEY
 DEPARTMENT OF LAW & PUBLIC SAFETY
 DIVISION OF CONSUMER AFFAIRS
 STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION
 OR REVOCATION OF THE LICENSE OF

Administrative Action

ANGELICA C. VITUG, M.D.
 LICENSE NO. MA 44209

CONSENT ORDER

TO PRACTICE MEDICINE AND SURGERY
 IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey Board of Medical Examiners upon receipt of information that Respondent had entered into a Consent Agreement and Order with the New York State Department of Health State Board for Professional Medical Conduct (New York Board), effective on December 31, 2003, in which Respondent did not contest the one specification in the Statement of Charges that Respondent violated New York Education Law §6530 (9)(a)(ii) by having been convicted of committing an act constituting a crime under Federal law. Specifically, on or about

CERTIFIED TRUE COPY

December 17, 2002, Respondent was found guilty in the United States District Court Southern District of New York of one (1) count of Conspiracy to Making False Statements, in violation of Title 18 United States Code §371, four (4) counts of Fraud and Misuse of Visas/Permits, in violation of Title 18 United States Code §1546 and 2, five (5) counts of False Statements, in violation of Title 18 United States Code 1001 and 2, and four (4) counts of Mail Fraud, in violation of Title 18 United States Code 51341 and 2. On or about April 21, 2003 Respondent was sentenced to five (5) months imprisonment, five (5) months home confinement, two (2) years supervised release on each count to run concurrently upon release of imprisonment, and a \$1,400 special assessment. Pursuant to the Consent Order and Agreement, Respondent agreed to a three (3) year suspension of her New York license to practice medicine, retroactive to October 15, 2003, one (1) year of which would be served as an active suspension, and two (2) years of which would be stayed; and three (3) years probation in accordance with the terms of probation required by the Office of New York State Department of Health Professional Medical Conduct. The action by the New York Board outlined above constitutes grounds for the suspension of Respondent's authority to engage in the practice of medicine in a sister state, therefore constituting grounds for the suspension or revocation of her license to practice medicine and surgery in the State of New Jersey pursuant to N.J.S.A. 45:1-21(g).

The criminal conviction constituting the basis for action by the New York Board represents a conviction of a crime of moral turpitude as well as a conviction of a crime relating adversely to the practice of medicine, and thus, also constitutes grounds for the suspension or revocation of Respondent's license to practice medicine pursuant to N.J.S.A. 45:1-21(f). The criminal conviction constituting the basis for action by the New York Board also shows that Respondent engaged in the use or employment of dishonesty, deception, or misrepresentation in violation of N.J.S.A. 45:1-21(b).

The parties being desirous of resolving this matter and the Board finding the within Order to be adequately protection of the public interest, and for good cause shown,

IT IS, THEREFORE, ON THIS 27th DAY OF FEBRUARY, 2004,
HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice medicine in the State of New Jersey shall be and hereby is suspended for a period of three (3) years, one year of which shall be served as an active suspension and two (2) years of which shall be stayed, and Respondent shall thereafter serve a three year period of probation. The period of active suspension shall commence on the entry date of the within Consent Order.

2. Prior to resuming active practice in New Jersey, Respondent shall be required to appear before the Board (or a

committee thereof) to demonstrate fitness to resume practice, and satisfaction of all probationary terms and conditions set forth in the New York Consent Agreement as well as documentation she has had her medical license fully reinstated in the State of New York. Any practice in this State prior to said appearance shall constitute grounds for a charge of unlicensed practice. In addition, the Board reserves the right to place restrictions on Respondent's practice should she resume active practice in New Jersey.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: David M. Wallace M.D.
 David M. Wallace, M.D.
 Board President

I have read and understand the contents of this Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

Angelica C. Vitug
 Angelica C. Vitug, M.D.

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE
HAS BEEN ACCEPTED**

APPROVED BY THE BOARD ON MAY 10, 2000

All licensees who are the subject of a disciplinary order of the Board are required to provide the information required on the Addendum to these Directives. The information provided will be maintained separately and will not be part of the public document filed with the Board. Failure to provide the information required may result in further disciplinary action for failing to cooperate with the Board, as required by N.J.A.C. 13:45C-1 et seq. Paragraphs 1 through 4 below shall apply when a license is suspended or revoked or permanently surrendered, with or without prejudice. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains a probation or monitoring requirement.

1. Document Return and Agency Notification

The licensee shall promptly forward to the Board office at Post Office Box 183, 140 East Front Street, 2nd floor, Trenton, New Jersey 08625-0183, the original license, current biennial registration and, if applicable, the original CDS registration. In addition, if the licensee holds a Drug Enforcement Agency (DEA) registration, he or she shall promptly advise the DEA of the licensure action. (With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board. In addition, at the conclusion of the term, the licensee should contact the DEA to advise of the resumption of practice and to ascertain the impact of that change upon his/her DEA registration.)

2. Practice Cessation

The licensee shall cease and desist from engaging in the practice of medicine in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. (Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by any health care practice or any other licensee or health care provider. (In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.)

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories, professional stationery, or billings. If the licensee's name is utilized in a group practice title, it shall be deleted. Prescription pads bearing the licensee's name shall be destroyed. A destruction report form obtained from the Office of Drug Control (973-504-6558) must be filed. If no other licensee is providing services at the location, all medications must be removed and returned to the manufacturer, if possible, destroyed or safeguarded. (In situations where a license has been suspended for less than one year, prescription pads and medications need not be destroyed but must be secured in a locked place for safekeeping.)

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited Liability Companies

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). A licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall divest him/herself of all financial interest. Such divestiture shall occur within 90 days following the entry of the Order rendering the licensee disqualified to participate in the applicable form of ownership. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

4. Medical Records

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of

Angelica C. Vitug, MD.
License No. MA44209

ADDENDUM

Any licensee who is the subject of an order of the Board suspending, revoking or otherwise conditioning the license, shall provide the following information at the time that the order is signed, if it is entered by consent, or immediately after service of a fully executed order entered after a hearing. The information required here is necessary for the Board to fulfill its reporting obligations:

Social Security Number': _____

List the Name and Address of any and all Health Care Facilities with which you are affiliated:

List the Names and Address of any and all Health Maintenance Organizations with which you are affiliated:

Provide the names and addresses of every person with whom you are associated in your professional practice: (You may attach a blank sheet of stationery bearing this information).

¹ Pursuant to 45 CFR Subtitle A Section 61.7 and 45 CFR Subtitle A Section 60.8, the Board is required to obtain your Social Security Number and/or federal taxpayer identification number in order to discharge its responsibility to report adverse actions to the National Practitioner Data Bank and the HIP Data Bank.

NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which revokes or suspends (or otherwise restricts) a license,
- (2) Which censures, reprimands or places on probation,
- (3) Under which a license is surrendered.

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such Federal or State agency that is publicly available information.

Pursuant to N.J.S.A. 45:9-19.13, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.